

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA,**

**v.**

**KIRK L. PRICE**

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**Cr. No. 20-29**

**Order on Kirk Price's Motion in Limine**

Presently before the Court is Kirk Price's Motion in Limine to exclude the introduction of Mr. Price's criminal record; the fact that he is on federal supervised release; and evidence of hardship suffered by the alleged victim at Count 2. ECF No. 361. Mr. Price's Motion seeks exclusion of the identified evidence by either the government or his co-defendants. The government has responded to the Motion. ECF No. 370. Neither of Mr. Price's co-defendants have responded to the Motion.

The government states that, during its case-in-chief, it will not introduce evidence of Mr. Price's criminal history, the fact that he is on supervised release, or any evidence of hardship suffered by the alleged victim at Count 2. Govt. Resp. 1-2. The government reads Mr. Price's Motion as also seeking an Order precluding the government from cross-examining Mr. Price as to his criminal record if he elects to testify. Govt. Resp. 1. The government states that it does not intend to pursue evidence of Mr. Price's criminal history upon cross-examination. *Id.* However, the government notes that if an issue arises during trial indicating to the government that cross-examination of Mr. Price as to his criminal history is relevant, it will bring that issue to the Court for a ruling before pursuing the matter on cross-examination. *Id.* Similarly, the government notes that should its position as to the introduction of evidence that Mr. Price is on supervised release change, the government will seek a ruling from the Court before offering such evidence. *Id.*

Accordingly, this 6th day of September 2023, Kirk L. Price's Motion in Limine is GRANTED as follows:

1. With respect to the government, Mr. Price's request to exclude the introduction of Mr. Price's criminal record, criminal history, or fact that he is on supervision is GRANTED, insofar as the government indicates it is not introducing such evidence in its case-in-chief. Said ruling may be revisited should the government seek to introduce the above evidence and by bringing the matter to the Court for a ruling. Mr. Price's request to exclude evidence of hardship suffered by the alleged victim at Count 2 is GRANTED.

2. With respect to Mr. Price's co-defendants, Mr. Price's Motion in Limine is GRANTED.

s/Marilyn J. Horan  
Marilyn J. Horan  
United States District Court Judge